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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,406

Applicant(s)

SCHWERIN-WENZEL ET AL.

Examiner

BOB CHUMPITAZ

Art Unit

4115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/31/2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-30 is/are rejected.
7) ☒ Claim(s) 14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 7/06/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This communication is a Non-Final Office Action in response to application filed December 31, 2003. Claims 1-30, as originally filed are presented for examination on the merits.

Priority

Applicant claims priority to U.S. Provisional Application 60/455,087, filed on March, 14, 2003. Applicant's claim for benefit of the prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is hereby acknowledged.

Claim Objections

Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 14, does not refer back to a preceding claim. For examination purposes, Examiner interprets claim 14 to depend from independent claim 13.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 recites in the preamble that the claim is directed towards the statutory category of a system. However, the body of claim 30 comprises "a layer of application logic services", and thus is directed towards functional descriptive material. Therefore it is not clear how logic

services constitute a system. Clarification is required. For examination purposes, Examiner has construed the system to contain a combination of software and hardware elements.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 7-12, 15, 24, 27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites a method comprising the step of “providing information” and “providing interface” which could equate to software components. Based on Supreme Court precedent, a proper process must be tied to another statutory class or transform underlying subject matter to a different state or thing (*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)). Since neither of these requirements is met by the claim, the method is not considered a patent eligible process under 35 U.S.C. 101. To qualify as a statutory process, the claim should positively recite the other statutory class to which it is tied, for example by identifying the apparatus that accomplished the method steps or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Claims 2-4 depend from claim 1 and do not cure the deficiencies set forth above. Therefore, claims 2-4 are also rejected as being directed to non-statutory subject matter.

Claims 7-12, 15, 24, 27 recite a system comprising: “computer module” and “software”; however as presented in the claims it is not directed to any form of structure. This subject matter

is not limited to that which falls within a statutory category of invention because it is limited to a process, machine, manufacture, or a composition of matter. The claims recite function descriptive material and a function descriptive material is non-statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5, 11, 13-22, 25-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Lineberry.

As per claim 5, Lineberry discloses an article comprising a machine-readable medium storing instructions operable to cause a machine to perform operations comprising: providing an interface for a user to monitor a progress of a merger of at least two organizations; managing merger-related communications of at least one of the organizations; tracking one or more merger-related deliverables; and managing one or more merger-related deliverables of at least one of the organizations (§ [0018, 0021, 0051 a computer program embodied on a computer-readable medium comprises a code segment that manages integration areas for acquisition integration, a code segment that organizes integration events for each integration area, and a code segment that generates an acquisition integration plan including a set of integration events and deliverable checklists based on user selected integration areas, to guide the user through

integration process]; see also, claims 44, 74 computer program embodied on a computer readable medium for managing acquisition integration to achieve acquisition synergies).

As per claim 11, Lineberry discloses a system for managing a merger of at least two organizations, the system comprising a portal, an object modeling tool, and a computer module adapted to *allow* a user to monitor one or more tasks associated with a synergy achievement, the computer module comprising a deliverable room (§ [0002-0018, 0025, 0030, 0045, 0077 system and method to facilitate integrating an acquired company with an acquiring company and more particularly, to methods and systems for assimilating a newly acquired asset or company with another asset or company...integration includes management structures and corporate culture, comprises a database comprising data corresponding to integration events for at least one integration area and a server configured to prompt a user to select an integration area and to provide information regarding a status of integration events within the integration area...system based acquisition integration framework tool...a computer to display a plurality of integration events...deliverable checklists user interface]).

As per claim 13, Lineberry discloses a system for managing a merger of at least two organizations, the system comprising a computer product comprising a deliverable room adapted for one or more merger stakeholder users, wherein the one or more stakeholder users comprise an executive of at least one of the organizations (§ [0002-0018, 0025, 0030, 0045-0046, 0067, 0071, 0076-0078 system and method to facilitate integrating an acquired company with an acquiring company and more particularly, to methods and systems for assimilating a newly acquired asset or company with another asset or company...integration includes management structures and corporate culture, comprises a database comprising data corresponding to

integration events for at least one integration area and a server configured to prompt a user to select an integration area and to provide information regarding a status of integration events within the integration area...system based acquisition integration framework tool...a computer to display a plurality of integration events...deliverable checklists user interface....integration manager for acquisition integration...target management user interface]).

As per claim 14, Lineberry discloses (The system of claim 15), wherein the computer product comprises one or more interfaces adapted to present merger-related information including, at least one of a team roster, a task list, a shared folder, a meeting scheduler, a note from a meeting, an issue list, a decision list, and a status (¶ [0016, 0019, 0025-0040, 0045, 0050, 0056-0058, 0063 electronic interface...acquisition integration main user interface displaying a set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration events...devices are interconnected to the network through many interfaces]).

As per claim 15, Lineberry discloses wherein the deliverable room comprises a hierarchal parent room of one or more sub-deliverable rooms, wherein the deliverable room comprises a reference model, and the reference module comprises pre-populated data (¶ [0014-0015, 0050-0051, 0057, 0062-0068, 0078 a system for acquisition integration comprises a database comprising data corresponding to integration events for at least one integration area and a server configured to prompt a user to select an integration area and to provide information regarding a status of integration events within the integration area...inform user of critical aspects of acquisition integration...business leader integration area and deliverables checklist user interface]).

As per claim 16, Lineberry discloses wherein the deliverable room further comprises at least one of a methodology, a help tool, and a set of contextual tools adapted for a specific deliverable, wherein the specific deliverable comprises a realignment of compensation for employees (§ [0008, 0025, 0045, 0056, 0062, 0076-0078 due diligence checklist tool to help ensure areas of concern are addressed....acquisition integration framework tool...user interfaces....acquisition integration plan including defined integration events, risk management, human resources (HR) strategy, HR labor relations, employee benefits and compensation and other...integration project management tool...deliverable list]).

As per claim 17, Lineberry discloses an article comprising a machine-readable medium storing instructions operable to cause a machine to perform operations comprising: providing one or more user interfaces for a merger of at least two organizations; and enabling a plurality of project management capabilities for the one or more user interfaces, wherein the project management capabilities comprise: managing a timeline of a merger project; setting at least one of a milestone meeting, deliverable, due date, and owner; and tracking a progress of the merger (§ [0018, 0021, 0051 a computer program embodied on a computer-readable medium comprises a code segment that manages integration areas for acquisition integration, a code segment that organizes integration events for each integration area, and a code segment that generates an acquisition integration plan including a set of integration events and deliverable checklists based on user selected integration areas, to guide the user through integration process]; see also, claims 44, 74-79 computer program embodied on a computer readable medium for managing acquisition integration to achieve acquisition synergies).

As per claim 18, Lineberry discloses an article comprising a machine-readable medium storing instructions operable to cause a machine to perform operations comprising: providing one or more user interfaces for a merger of at least two organizations; and displaying at least one of a merger-related communication plan, a merger-related communication execution, and a merger-related communication monitoring for at least one of the organizations to an interface user (§ [0018, 0021, 0051 a computer program embodied on a computer-readable medium comprises a code segment that manages integration areas for acquisition integration, a code segment that organizes integration events for each integration area, and a code segment that generates an acquisition integration plan including a set of integration events and deliverable checklists based on user selected integration areas, to guide the user through integration process]; see also, claims 44, 74-79 computer program embodied on a computer readable medium for managing acquisition integration to achieve acquisition synergies]; see also ¶ [0016, 0019, 0025-0040, 0045, 0050, 0056-0058, 0063 electronic interface...acquisition integration main user interface displaying a set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration events...devices are interconnected to the network through many interfaces]).

As per claim 19, Lineberry discloses wherein the operations further comprise: sending an approval request to the interface user; showing a merger progress in the interface; updating the merger progress shown in the user interface; and loading merger-related information from an user interface template (§ [0018, 0021, 0051 a computer program embodied on a computer-readable medium comprises a code segment that manages integration areas for acquisition integration, a code segment that organizes integration events for each integration area, and a code

Art Unit: 4115

segment that generates an acquisition integration plan including a set of integration events and deliverable checklists based on user selected integration areas, to guide the user through integration process]; see also, claims 44, 74-79 computer program embodied on a computer readable medium for managing acquisition integration to achieve acquisition synergies]; see also ¶ [0016, 0019, 0025-0040, 0045, 0050, 0056-0058, 0063 electronic interface...acquisition integration main user interface displaying a set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration events...devices are interconnected to the network through many interfaces]).

As per claim 20, Lineberry discloses wherein the operations further comprise: informing one or more interface stakeholder users of a merger-related item, wherein the merger-related item comprises at least one of a new campaign, an event, a news item, a poll, a survey, a frequently asked question, a merger-related question and a corresponding response to the merger-related question, an assignment, a schedule reminder, a language translation request, a report, a status, a rollout, an archive, and a previous communication (¶ [0018, 0021, 0051 a computer program embodied on a computer-readable medium comprises a code segment that manages integration areas for acquisition integration, a code segment that organizes integration events for each integration area, and a code segment that generates an acquisition integration plan including a set of integration events and deliverable checklists based on user selected integration areas, to guide the user through integration process]; see also, claims 44, 74-79 computer program embodied on a computer readable medium for managing acquisition integration to achieve acquisition synergies]; see also ¶ [0016, 0019, 0025-0040, 0045, 0050, 0056-0058, 0063 electronic interface...acquisition integration main user interface displaying a

set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration events...devices are interconnected to the network through many interfaces)).

As per claim 21, Lineberry discloses a system for managing a merger of at least two organizations, the system comprising a user interface adapted to *allow* a user to access, plan, and manage the merger, the interface presenting one or more performance indicators of an entity within one of the organizations (¶ [0002-0018, 0025-0040, 0045, 0056-0058, 0077 system and method to facilitate integrating an acquired company with an acquiring company and more particularly, to methods and systems for assimilating a newly acquired asset or company with another asset or company...integration includes management structures and corporate culture, comprises a database comprising data corresponding to integration events for at least one integration area and a server configured to prompt a user to select an integration area and to provide information regarding a status of integration events within the integration area...system based acquisition integration framework tool...a computer to display a plurality of integration events...deliverable checklists user interface...acquisition integration main user interface displaying a set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration events])).

As per claim 22, Lineberry discloses wherein the interface further presents one or more merger issues in a decision box (¶ [0016, 0019, 0025-0040, 0045, 0050, 0056-0058, 0063 electronic interface...acquisition integration main user interface displaying a set of selectable integration events for the selected integration area, and generating an integration project plan

incorporating selected integration events...devices are interconnected to the network through many interfaces])).

As per claim 25, Lineberry discloses a computer system for managing a merger of at least two organizations, the computer system comprising merger-related information and a user interface adapted to present one or more merger deliverables, wherein the user interface comprises a panel presenting one or more requested deliverables and one or more deliverables assigned to an interface user (¶ [0002-0018, 0025, 0030, 0045, 0077 system and method to facilitate integrating an acquired company with an acquiring company and more particularly, to methods and systems for assimilating a newly acquired asset or company with another asset or company...integration includes management structures and corporate culture, comprises a database comprising data corresponding to integration events for at least one integration area and a server configured to prompt a user to select an integration area and to provide information regarding a status of integration events within the integration area...system based acquisition integration framework tool...a computer to display a plurality of integration events...deliverable checklists user interface])).

As per claim 26, Lineberry discloses wherein the panel further presents at least one of a targeted merger task force, an initiating deliverable contact person, a deadline, and a status, the one or more merger deliverables comprising one or more merger sub-deliverables (¶ [0002-0018, 0030, 0037, 0044 system and method to facilitate integrating an acquired company with an acquiring company....business leader integration area and deliverable checklist user interface...contacts user interface...methods and system for communication and tracking of tasks

performed in connection with an integration; see also, claim 24 integration area to provide information regarding a status of integration events].

As per claim 27, Lineberry discloses a system for managing a merger of at least two organizations, the system comprising a computer module, the computer module comprising a merger deliverables tracker tool and a user interface adapted to present one or more merger-related deliverables tracked with the tracker tool (§ [0002-0018, 0025, 0030, 0044-0045, 0077 system and method to facilitate integrating an acquired company with an acquiring company and more particularly, to methods and systems for assimilating a newly acquired asset or company with another asset or company...integration includes management structures and corporate culture, comprises a database comprising data corresponding to integration events for at least one integration area and a server configured to prompt a user to select an integration area and to provide information regarding a status of integration events within the integration area...system based acquisition integration framework tool...a computer to display a plurality of integration events...deliverable checklists user interface....user interface for an acquisition integration framework tool]).

As per claim 28, Lineberry discloses wherein the user interface is adapted to *allow* a stakeholder to select a view of one or more lists of deliverables by at least one of a meeting date and a task force, the interface adapted to present a deliverables tracker reference session link (§ [0016, 0019, 0025-0040, 0044-0045, 0050, 0056-0058, 0063 electronic interface...acquisition integration main user interface displaying a set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration

events...system for clear communication and tracking of tasks performed in connection with an integration....devices are interconnected to the network through many interfaces)).

As per claim 29, Lineberry discloses wherein the view of one or more lists comprises a meeting date, a time, a milestone, a location, and a deliverable information, the deliverable information comprising a name, a task force, a requester, an assignee, and a status (§ [0008, 0010, 0018, 0030, 0034, 0041, 0044-0046, 0064 checklists utilized in the due diligence phase of an acquisition...acquisition integration plan, deliverable checklists...business leader integration area and deliverable checklist user interface...spreadsheets listing integration areas and events)).

As per claim 30, Lineberry discloses a system comprising: a plurality of restructuring-related interfaces for a restructuring of at least two organizations, the plurality of restructuring-related interfaces comprising one or more restructuring-related issues; a plurality of user interface components adapted to interact with the plurality of restructuring-related interfaces; and a layer of application logic services, the layer interacting with the plurality of restructuring-related interfaces, the application logic services related to the restructuring (§ [0016, 0019, 0025-0040, 0044-0045, 0050, 0056-0058, 0063 electronic interface...acquisition integration main user interface displaying a set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration events...system for clear communication and tracking of tasks performed in connection with an integration....devices are interconnected to the network through many interfaces)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry et al. US 2002/0169649 A1 (hereafter referred as Lineberry) in view of Coble et al. US 2002/0035482 A1 (hereafter referred as Coble).

As per claim 1, Lineberry discloses an acquisition integration system and process for assimilating companies (Lineberry: ¶ [0003 acquisition integration refers to processes and systems for assimilating a newly acquired asset or company with an existing asset or company]; see also, ¶ [0015, 0042-0043 method and system for acquisition integration....can be used in connection with the acquisition integration of many different types of assets and companies]).

However, Lineberry does not explicitly disclose a method comprising providing a single logical physically distributed information system across one or more information systems of at least two enterprises, the enterprises are being combined

Coble teaches a distribution information system that eases and speeds information exchange between enterprises (¶ [0005 merger of multiple companies...business information systems coupled with the need to preserve all systems]; see also, ¶ [0013 distributed information system comprising two corporations A and B]); see also, Claim 7: distributed data processing system for facilitating information exchange).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the acquisition integration method and system of Lineberry to include a distribution information system as taught by Coble in order to facilitate data transfer between business-to-business information systems.

Lineberry and Coble disclose providing a user interface to access the single logical physically distributed information system to manage one or more restructuring-related issues, the user interface is adapted to manage one or more deliverables associated with a restructuring (Lineberry: ¶ [0016 a method for acquisition integration planning is provided which comprises selecting, from an electronic interface]; see also, ¶ [0018, 0019, 0045, 0055, 0057, 0064, 0067, 0078 code segment manages integration areas for acquisition integration, organizes integration events for each integration area, and generates an acquisition integration plan including a set of integration events and deliverable checklists based on user selected integration areas...acquisition integration plan includes integration events and deliverables and a main user interface...target management user interface.....integration project management tool]; see also, Fig. 11 management presentation user interface; Coble: ¶ [0010 terminal hung off of a mainframe computer to allow multi-user creation, retrieval, editing, and deletion of information]; see also, FIG. 1, terminals 10).

Claim 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry in view of Coble and in further view of Marpe et al. US 2002/0184191 A1 (hereafter referred as Marpe).

As per claim 2, Lineberry and Coble disclose claim 1 as rejected above wherein Lineberry further discloses providing a user interface to integrate restructuring-related projects

and resources for at least one enterprise (**Lineberry**: ¶ [0016 method for acquisition integration planning is provided which comprises selecting from an electronic interface]; see also ¶ [0019 method is provided for operating a computer which comprises prompting a user to select an integration area from an acquisition integration main user interface, displaying a set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration events]);

providing a user interface to implement restructuring-related projects and resources for at least one enterprise (**Lineberry**: ¶ [0045 user interfaces to develop a computer program that is executable by computer systems; a system based acquisition integration tool provides a framework for generating such a plan]); and

However, Lineberry does not explicitly disclose providing a user interface to manage training, planning, and communication activities (**Lineberry**: ¶ [0045-0046 acquisition integration plan for each integration area and each phase of acquisition, integration events and deliverables....user is able to construct a customized integration plan using those areas and events the user]; see also, ¶ [0064, 0067, 0073 deliverables checklist user interface...project plan user interface...target management user interface).

Marpe teaches a user interface that allows a user the access to various management, planning, training and any other functions related to merger and acquisition (¶ [0039, 0041, 0104, 0161-0162, 0168, 0178, 0659, 0710 user interface...discussion database interface page available to the user of the merger and acquisition engine... merger and acquisition engine develops and retains institutional knowledge related to consolidation thus reducing cost related to training....various categories of project management tools, a planning guide, industry solution

packs relating to merger and acquisition may be retrieved from interface...communicating the target environment to employees and conducting training])).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user interface of Lineberry to include the discussion database user interface as taught by Marpe in order to allow the user access to other functions of the merger and acquisition process.

As per claim 3, Lineberry further discloses providing a user interface to use the single logical physically distributed information system to execute at least one of pre-restructuring and post-restructuring activities, the post-restructuring activities comprising a post-restructuring assessment and a measurement of one or more achieved synergies (¶ [0003-0007, 065-0067, 0075 integration progress report user interface showing a percentage completion against plan with respect to each of the integration areas and headings used to group integration events, also shows the processes relevant to integration of the acquisition, broken out by phase in the acquisition integration, including pre-due diligence, due diligence, post signing/pre-closing, post closing, and transition to operations phases]; see also, Fig. 19 and associated text; see also claim 44 managing acquisition integration to achieve acquisition synergies].

As per claim 4, Lineberry further discloses providing one or more user interfaces are adapted to a role of the user and a phase of the restructuring, a security of the one or more user interfaces being related to the role of the user and the phase of the restructuring, the role of the user comprising an executive role (¶ [0018, 0029, 0045, 0061 process steps for generating an acquisition integration project plan is represented by a flowchart...a person familiar with computer software code can utilize the flowchart in combination with various user interfaces to

develop a computer program that is executable by computer systems....integration events for a business leader]; see also claims 44, 57 code segment monitors the security of the system).

Claims 6, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry in view of Marpe.

As per claim 6, Lineberry discloses claim 5 as rejected above but does not explicitly disclose wherein the operations further comprise: providing a virtual project room adapted for one or more executives of at least one of the organizations; and providing a common collaborative environment adapted for a plurality of merger members.

Marpe teaches computer readable medium and a merger and acquisition engine (¶ [0032, 0092, 0094-0106 phases in an exemplary merger and acquisition (M&A) lifecycle...the M&A engine streamlines communication between merger participants, and assists in the consolidation of projects....users are able to conduct virtual meetings via the merger and acquisition engine]; see also, claim 8 a computer program embodied on a computer readable medium for querying a database including a plurality of items generated by multiple users).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the computer readable medium of Lineberry to include merger and acquisition engine as taught by Marpe in order to provide knowledge management and delivery capabilities to facilitate the learning and execution of merger related work.

As per claim 23, Lineberry does not explicitly disclose a system for managing a merger of at least two organizations, the system comprising a collaborative calendar interface, the calendar interface adapted to *allow* a plurality of stakeholders to view merger-related events and to facilitate training management (**Lineberry**: ¶ [0045-0046 acquisition integration plan for each

integration area and each phase of acquisition, integration events and deliverables....user is able to construct a customized integration plan using those areas and events the user]; see also, ¶ [0064, 0067, 0073 deliverables checklist user interface...project plan user interface...target management user interface).

Marpe teaches a user interface that allows a user the access to various management, planning, training and any other functions related to merger and acquisition (¶ [0039, 0041, 0104, 0161-0162, 0168, 0178, 0659, 0710 user interface...discussion database interface page available to the user of the merger and acquisition engine... merger and acquisition engine develops and retains institutional knowledge related to consolidation thus reducing cost related to training....various categories of project management tools, a planning guide, industry solution packs relating to merger and acquisition may be retrieved from interface...communicating the target environment to employees and conducting training]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user interface of Lineberry to include the discussion database user interface as taught by Marpe in order to allow the user access the functions of the merger and acquisition process.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry in view of James Harris (hereafter referred as Harris).

As per claim 7, Linberry discloses a system and method that facilitates integration of one corporate entity into another corporate entity (**Lineberry**: ¶ [0006 companies with various operating businesses may designate multiple groups to work within assigned businesses on different acquisitions or on common acquisitions with other groups; see also, ¶ [0012-0021,

0029, 0030, 0061, 0064 method and system for generating an acquisition integration project plan...business leader integration area and deliverables checklists user interface])).

However, Lineberry does not explicitly disclose a system for planning a merger of at least two organizations, the system comprising a software product, wherein the software product comprises a module adapted to *allow* a user to manage one or more merger-related projects for at least one of the organizations, wherein the module comprises one or more sub-modules adapted to *allow* a user to address a plurality of merger-related issues wherein the sub-modules comprise at least one of an executive cockpit sub-module, a training management sub-module, a deliverables management sub-module, a project planning sub-module, and a communications management sub-module, wherein the deliverables management sub-module comprises a deliverable room sub-module and a deliverable tracker sub-module, wherein the executive cockpit sub-module is adapted to provide a view of a merger integration progress for one or more executive stakeholders.

Harris teaches a change management training system (pg. 1-2, Defining Change Management: change management efforts to promote the successful transition from an old legacy system to a new enterprise system; see also, pgs. 2-3 Change Management Program consists a system implementation for getting the project team trained, a large number of end-users, senior administrators and managers also must be taught to access the system especially for management reporting...computer based training (CBT) programs...modules/subjects...tools to gauge on going-training, training evaluation, and training support; see also, pgs.4-6 General Communications Planning, Project Management Structure...enterprise resource planning (ERP) system implementation, organizations adequately plan their efforts in this area to effectively

address the transition needs of staff whose roles and workloads are affected by the implementation).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the systems and methods that facilitate integration of Lineberry to include a change management training system component of and ERP system as taught by Harris in order to reduce re-training time and be more cost efficient by improving knowledge transfer between users within the merging companies and help attain team cohesion and synergy.

As per claim 8, Lineberry and Harris disclose claim 7 as rejected above but Lineberry does not explicitly disclose wherein the training management sub-module serves as a repository to request, schedule, and monitor an execution of one or more training sessions, and the training management sub-module further provides a platform to facilitate one or more training processes.

Harris teaches computer based training programs stored in CD-ROMS (pgs. 1-6 implementing enterprise resource planning (ERP) systems...establish change management strategy as part of the implementation plan.....computer based training programs that utilize CD-ROMS to train users...inventory training need...educating user on process change....project management structure).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the systems and methods that facilitate integration of Lineberry to include a computer training program as taught by Harris in order to reduce re-training time and be more cost efficient by improving knowledge transfer between users within the merging companies and help attain team cohesion and synergy.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry in view of Harris and in further view of Simon (US 2003/0113700 A1) and Sanches (US 2003/0018510 A1).

As per claim 9, Lineberry and Harris disclose claim 7 as rejected above but do not explicitly disclose wherein the training management sub-module comprises at least one of a training class repository, a master training scheduler, an electronic mailing service for training invitations, and an archive of on-line training, and the master training scheduler comprises at least one of a department-specific scheduling service, a department-specific planning service, a role-specific scheduling service, and a role-specific scheduling service.

Simon and Sanches both teach a training system applicable to business mergers and acquisition (**Simon**: ¶ [0005-0008 compliance training for corporate mergers and acquisition...updating training content is available to account for legal and regulatory changes]; see also, ¶ [0010-0019, 0037 training modules....automatic e-mail system]; see also, ¶ [0020 on-line and off-line training modules on numerous compliance topics]; **Sanches**: ¶ [0002, 0011, 0030, 0037 system and method and software tools to direct and manage enterprise wide activities or initiatives for example mergers, reorganizations, and other enterprise-wide strategic change or other activities....action management system for planning and managing includes an management database, an action item scheduler for assigning and scheduling action items...action item scheduler]; see also, ¶ [0043, 0060, 0063, 0107, 0121 web-based user training...training is provided and managed]; see also, ¶ [0166-0167, 0176-0177, 0183-0184 integration action management...acquisition integration training....reorganization training

employees]; see also, ¶ [0291, 0294, 0307-0313, 0365 task scheduler...notification schedule, action item scheduler]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the systems and methods to facilitate integration of Lineberry and change management training system of Harris to include a training system as taught by Simon and Sanches in order to effectively monitor or manage the training process of employees using a wide range of collaboration tools so that management can direct synchronized, consistent execution of their strategic plans across and entire or multiple organizations.

As per claim 10, Simons and Sanches disclose claim 9 as rejected above but Simon does not explicitly disclose wherein the training management sub-module is adapted to track a completion of training for one or more stakeholders, training topics, and organizational locations, and the training management sub-module is further adapted to report a completion of training for one or more stakeholders, training topics, and organizational locations to a user.

Sanches teaches a management system for planning, managing, tracking and reporting (¶ [0009, 0011, 0018, 0053 action item management system for planning and managing an initiative including action items to complete...tracking and reporting]; see also, ¶ [0160-0168, 0176-0177, 0183-0184, 0270 shareholders...post integration actions integration action management...acquisition integration training...reorganization training employees]; see also claim 5: providing instructions and/or training on how to complete the assigned action items)).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention modify the training system of Simon to include a management system as taught by Sanches in order to effectively monitor or manage the training process of employees using a

wide range of collaboration tools so that management can direct synchronized, consistent execution of their strategic plans across and entire or multiple organizations.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry.

As per claim 12, Lineberry does not explicitly disclose deliverable room comprising a sub-deliverable room, wherein the sub-deliverable room comprises one or more characteristics from the deliverable room, wherein the one or more characteristics comprise security permissions, and the computer module is further adapted to generate and assign one or more tasks associated with the synergy achievement.

However, Linberry further teaches a system that displays integration area and deliverable checklist user interface (§ [0018, 0030, 0044-0045, 0064, 0066, 0069, 0077 system displays integration area and deliverable checklist user interface; see also Fig. 13, item 210; see also, claims 44 & 57 computer program embodied on a computer readable medium for managing acquisition integration to achieve acquisition synergies....computer program comprising a code segment that monitors the security of the system by restricting access to unauthorized individuals...system facilitates clear communication and tracking of tasks performed in connection with an integration...list of deliverables used to determine whether all tasks associated with a particular integration event have been completed).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the deliverable checklist to include tasks associated with the acquisition integration process.

Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry in view of Marpe and in further view of Simon and Sanches.

As per claim 24, Lineberry and Marpe disclose claim 23 as rejected above but do not explicitly disclose wherein the collaborative calendar interface facilitates one or more rollout trainings and one or more scheduling of one or more services for the plurality of stakeholders, wherein the calendar interface comprises information relating to at least one of a stakeholder role and a merger group, wherein the calendar interface further adapted to *allow* an exchange of information with an external calendar tool.

Simon and Sanches both teach a training system applicable to business mergers and acquisition (**Simon**: ¶ [0005-0008 compliance training for corporate mergers and acquisition...updating training content is available to account for legal and regulatory changes]; see also, ¶ [0010-0019, 0037 training modules....automatic e-mail system]; see also, ¶ [0020 on-line and off-line training modules on numerous compliance topics]; **Sanches**: ¶ [0002, 0011, 0030, 0037 system and method and software tools to direct and manage enterprise wide activities or initiatives for example mergers, reorganizations, and other enterprise-wide strategic change or other activities....action management system for planning and managing includes an management database, an action item scheduler for assigning and scheduling action items...action item scheduler]; see also, ¶ [0043, 0060, 0063, 0107, 0121 web-based user training...training is provided and managed]; see also, ¶ [0166-0167, 0176-0177, 0183-0184 integration action management...acquisition integration training....reorganization training employees]; see also, ¶ [0291, 0294, 0307-0313, 0365 task scheduler...notification schedule, action item scheduler]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the systems and methods to facilitate integration of Lineberry to include a

Art Unit: 4115

training system as taught by Simon and Sanches in order to effectively monitor or manage the training process of employees using a wide range of collaboration tools so that management can direct synchronized, consistent execution of their strategic plans across and entire or multiple organizations.

Please note:

Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. See *e.g.* MPEP §2106 II C: “Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.]”; and *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) (“As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.”). “As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.” *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006)(where the Federal Circuit affirmed the Board’s claim construction of “further including that said wall may be smooth, corrugated, or profiled with increased dimensional proportions as pipe size is increased” since “this additional content did not narrow the scope of the claim because these limitations are stated in the permissive form ‘may.’”). Examiner has bolded and italicized examples of optional or conditional elements throughout the rejected claims, please review all claims for conditional language.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-27 of copending U.S. Application No. 10/750229. Although the conflicting claims are not identical, they are not patentably distinct

from each other because the claims of '229 are more specific than the claims of '406 and thereby anticipate the claims of '229. This is a provisional obviousness-type double patenting because the conflicting claims have not in fact been patented.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kinoshita (US 2001/0037213 A1) Merger and acquisition proposal generation system and merger and acquisition proposal generation method.
- Adler (US 2002/0169658 A1) System and method for modeling and analyzing strategic business decisions.
- Bennett et al. (US 2002/0194379 A1) Content distribution system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571)270-5494. The examiner can normally be reached on M-TR: 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BRADLEY BAYAT can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

Art Unit: 4115

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. C.

Examiner, Art Unit 4115

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 4115